

REMARKS

Please note that the non-final Office Action was incorrectly sent to a law firm in Hackensack, New Jersey. Because Applicant received this Office Action late, the Examiner has agreed by telephone on 25 June 2007 to re-start the period for reply.

Claims 1-8, 12-17, and 19-35 are pending. There was previously a restriction requirement in this case. The Office Action now rejects claims 1-8 and 35 as anticipated under 35 U.S.C. § 102(e) by *Jensen* (U.S. Patent Application No. 2004014268A1). Regarding rejected claims 1-8 and 35, the only independent claims are claims 1, 5 and 35.

Applicant respectfully points out that the section of the non-final Office Action titled "response to arguments" does not give any response to Applicant's arguments at page 14 of our response filed on 7 November 2007 regarding why the independent claims are not anticipated by *Jensen*. All of the arguments of 7 November 2007 are incorporated herein by reference.

Claim Amendments

Claims 17, 29-31, and 35 are now cancelled. New claims 36-38 are now added.

The Office Action acknowledged that claim 35 is a linking claim that links claims 1 and 17. However, claim 1 is now amended to depend from claim 5.

Applicant respectfully submits that new claim 37 links claim 19 to claim 1 (which has now been amended to depend from claim 5).

Applicant also respectfully submits that new claim 36 links claim 5 and claim 16.

Applicant furthermore respectfully submits that new claim 36 links claim 5 and new claim 38.

All of the present claim amendments are fully supported by the application as originally filed. They introduce no new matter.

Summary of Jensen

Jensen et al relates to the same technical field of enabling location-based or location-dependent services in a mobile communications network.

In paragraphs [0034] to [0035], *Jensen* describes in a general manner a response **200** sent by the origin server **110** (i.e., the application server, which provides the location-based or location-dependent services to mobile phones; cf. paragraph [0042]) to the mobile phone **100**, which response **200** includes a request for location information (last sentence of paragraph [0035]).

Jensen does not specify in detail that the response **200** includes a request for location information. This means that *Jensen* is silent about the structuring of the response **200** and in particular whether the request for location information is included in the header or both of the response **200**.

Further, *Jensen* describes in paragraphs [0037] to [0041] the new request message **204** generated by the mobile phone **100** responsive to the reception of the aforementioned response **200** containing request for location information. The new request message **204** includes location data collected by the mobile phone **100**. This collected location data is contained in a pre-defined HTTP header of the new request message **200** (cf. paragraph [0037]).

The new request message **200** is transmitted to the origin server **110**. The transmission is intercepted by a WAP gateway **104** interposed between mobile phone **100** and origin server **110**. The WAP gateway **104** may issue a separate request **206** to a location server **106** for resolving the location of the mobile phone **100** on the basis of the collected location data contained in the intercepted new request message **204** and provides the resolved location (in message **208**) to the WAP gateway **104**. The location server **106** may not be required when the collected location data of the mobile phone **100** is GPS data (cf. paragraphs [0038] and [0039]).

The WAP gateway **104** then provides the 'resolved' location data to the origin server **110**. Again, the location is provided by substituting the headers of the new request message **204**, which is subsequently received by the origin server **110** (cf. paragraphs [0041] and [0042]).

Independent Claim 5 Should Be Allowed

Applicant respectfully submits that pending method claim 5 is clearly novel over *Jensen*. It appears that the Office Action has not addressed the differences between the subject matter of claim 1 and the subject matter of claim 5. In order to expedite prosecution of the present application, present claim 1 is now amended without prejudice to depend from claim 5.

The present invention relates to a new protocol to be used by the application server providing location-based or location-dependent services and a networked entity, which designates a WAP location query functionality (102) of a WAP client/mobile terminal or a WAP location attachment functionality (151)/WAP location query functionality (152).

Claim 1 addressed a method for requesting location information, i.e., a (invocation) response transmitted from the application server to the networked entity, which invocation response includes a request for location information (location invocation document). The location information requested is required by the application server for performing its location-based or location-dependent services. This invocation response is somewhat comparable to the “response including the request location information” described by *Jensen*. However, as a feature distinguishing from the state of the art, the location invocation document of present claim 1 is situated in the “body section” of the message, in accordance with the communication protocol used.

In contrast to claim 1, pending method claim 5 relates to a method for transmitting location information, i.e., a delivery request transmitted from the network entity to the application server, which delivery request includes location information required by the application server for serving its location-based or location-dependent services. This delivery request is somewhat comparable to the ‘new request message’ described by *Jensen*. However, as a feature distinguishing from the state of the art, the location information of present claim 5 is included in a location delivery document which is situated in the body section of the message in accordance with the communication protocol. *Jensen* discloses nothing like that feature of present claim 5.

Jensen specifies in detail the structure of the corresponding ‘new request message’ by describing that the collected and resolved location information are contained in the pre-defined HTTP header (cf. paragraphs [0037] and [0041] of *Jensen*). This is very different from present

claim 5, according to which the location information is included in a location delivery document which is situated in the body section of the message in accordance with the communication protocol.

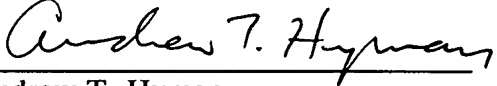
CONCLUSION

Applicant respectfully submits that the amended claims of the present application define patentable subject matter. Early passage of the pending claims to issue is earnestly solicited. Applicant would appreciate if the Examiner would please contact Applicant's attorney by telephone, if that might help to speedily dispose of any unresolved issues pertaining to the present application.

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